

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

AS.No. 27 of 2002()

OS.1327/1994 of PRL.SUB COURT,TRIVANDRUM

APPELLANT: PLAINTIFFS

1. JAYAKUMAR,(MENTALLY INCAPACITATED)
SARADA MANDIRAM,THOHHUKKAL,NEYATTINKARA,
REPRESENTED BY THE 2ND PLAINTIFF (2ND RESPONDENT)
2. SUKUMARAN NAIR,SARADA MANDIRAM,
THEHHUKKAL,NEYATTINKARA.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS: DEFENDANTS

1. K.C.CHERIYAN,KILILAYATHU HOUSE,
MADATHUVILAKOM VILLAGE,THIRUVANANTHAPURAM. (DIED. LRS.
IMPLEADED)
2. ALIAMMA CHERIAN,KILILAYATHU HOUSE,
MADATHUVILAKOM VILLAGE,THIRUVANANTHAPURAM
3. JAGADAMMA PILLAI,SUKUMAR SADANAM,
KAYYANIKONAM,CHEMPAZHANTI P.O.
4. SREEKUMAR P.S.,NAMBIYARKONATHU
PUTHVAL PUTHEN VEEDU,CHERUVAKKAL,
THIRUVANANTHAPURAM

ADDL. R5: MOHAN K. CHERIAN, S/O. K.C. CHERIAN, KILILAYATHU HOUSE,
MADATHUVILAKAM VILLAGE, THIRUVANANTHAPURAM.

R6: LOVELY JOY CHIRAYATH, D/O. K.C. CHERIAN, DO. DO.

R7: JACOB CHERIAN, S/O. K.C. CHERIAN, DO.

R8: RENJI CHERIAN, DO. DO. (R5 TO R8 IMPEADED AS LRS. OF DECEASED R1 AS
PER ORDER ON CMP NO.2033/2003 DT.4.7.2007)

BY ADV. SRI.R.S.KALKURA, SRI.R.KRISHNAKUMAR
SRI.R.S.KALKURA

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD
ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.1965/2002

DISMISSED.

4/7/2007

SD/- KURIAN JOSEPH, JUDGE.

SD/- T.R. RAMACHANDRAN NAIR, JUDGE

// TRUE COPY //

P.S. TO JUDGE

Kurian Joseph & T.R. Ramachandran Nair, JJ.

I.A.NO.2243/2007 & A.S.No.27/2002

Dated this the 4th day of July, 2007

JUDGMENT

Kurian Joseph, J.

I.A. No.2243/2007 is a petition to withdraw the appeal. Permission granted and the application is allowed.

In view of the order in I.A. No.2243/1997, the appeal is dismissed as withdrawn.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

kav/

**Kurian Joseph &
T.R. Ramachandran Nair, JJ.**

**I.A.NO.2243/2007 &
A.S.No.27/2002**

JUDGMENT

4th day of July, 2007